

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**ALBERT RODRIGUEZ, Individually
and on Behalf of All Others Similarly Situated**

PLAINTIFF

v.

No. 4:19-cv-405-DPM

**SUPERIOR REAL ESTATE
SOLUTIONS, LLC; ALVIN FRANKS, JR**

DEFENDANTS

ORDER

Albert Rodriguez worked as a construction worker for Superior and Franks between November 2018 and June 2019. Rodriguez says he was paid hourly, worked more than forty hours a week, and was not paid any extra for his overtime work. He says the company usually had between ten and fifteen construction workers on the payroll, who were all paid the same way. He moves to conditionally certify a collective action. Superior and Franks haven't responded to the motion for a group.

All material circumstances considered, Rodriguez has made the modest factual showing required under the fairly lenient legal standard. *Hoffmann-La Roche, Inc. v. Sperling*, 493 U.S. 165 (1989); *Freeman v. Wal-Mart Stores, Inc.*, 256 F. Supp. 2d 941, 944-45 (W.D. Ark. 2003). He and his co-workers were similarly situated. Even though they worked on different projects at various locations, they

were all construction workers subject to the same pay structure. *Smith v. Frac Tech Services, LLC*, No. 4:09-cv-679-JLH (E.D. Ark. 24 Nov. 2009).

The Court therefore conditionally certifies the following group:

All current and former construction laborers who work or worked for Superior Real Estate Solutions, LLC, and Alvin Franks Jr. and who were paid an hourly rate at any time since 11 June 2016.

Superior and Franks must provide plaintiff's counsel (on an electronic spreadsheet) a list of names, addresses, and e-mail addresses of group members.

The notice, proposed consent forms, email, and reminder postcard are approved with tweaks. № 8-1, № 8-2, № 8-3, № 8-4, & № 8-5. Please name the employer in the group description. Remove "Court" from the subject line of the email. Delete the dash in "hourly paid" each time that phrase appears. Plaintiff's counsel may send these messages by regular mail and e-mail. There's no need for texts or a bulletin board notice. Here's the schedule.

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|---|------------------|
| • Superior and Franks produce spreadsheet | 8 November 2019 |
| • Notice period opens | 15 November 2019 |
| • Opt-in period closes | 14 February 2020 |

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Unopposed motion, № 8, granted as modified.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

24 October 2019